

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTHONY L. LIVINGSTON, :
Plaintiff, : 1:15-cv-2241
: :
v. : Hon. John E. Jones III
: :
LEWISBURG PENITENTIARY :
SMU STAFF, :
Defendant. :

ORDER

December 22, 2015

NOW, THEREFORE, in accordance with the Court's Memorandum of the
same date, **IT IS HEREBY ORDERED THAT:**

1. The motions (Docs. 2, 11) for leave to proceed *in forma pauperis* are GRANTED for the sole purpose of the filing of the action. *See* 28 U.S.C. § 1915(b).
2. Plaintiff's motion (Doc. 13) to appoint counsel is DENIED.
3. The complaint (Doc. 1) is DISMISSED without prejudice to plaintiff's right to refile the action upon completion of the administrative remedy procedure. *See* 42 U.S.C. § 1997e(a).
4. The Clerk of Court is directed to CLOSE this case.
5. Any appeal from this order is DEEMED frivolous and not in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III
John E. Jones III
United States District Judge